

Introduced by Senator McGuire

January 23, 2017

An act to amend Sections 19332.5 and 26063 of the Business and Professions Code, relating to marijuana.

LEGISLATIVE COUNSEL'S DIGEST

SB 175, as introduced, McGuire. Marijuana: county of origin: marketing.

The Medical Cannabis Regulation and Safety Act (MCRSA) provides for the licensure and regulation of medical marijuana, which responsibility is generally divided between the Bureau of Marijuana Control within the Department of Consumer Affairs, the Department of Food and Agriculture, and the State Department of Public Health. The Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), an initiative measure enacted by the approval of Proposition 64 at the November 8, 2016, statewide general election, provides for the licensure and regulation of commercial nonmedical marijuana activities, which responsibility is also generally divided between those same state entities. Both MCRSA and AUMA prohibit the use of the name of a California county in the labeling, marketing, or packaging of medical marijuana products or nonmedical marijuana products unless the marijuana contained in the product was grown in that county.

This bill would specify that those prohibitions include the use of any similar sounding name that is likely to mislead consumers as to the origin of the product.

AUMA authorizes the Legislature to amend specified substantive provisions by a majority vote if it is implementing those provisions, provided that the amendments are consistent with and further the purposes and intent of AUMA.

This bill would state that the Legislature finds and declares that this act implements substantive provisions of AUMA and is consistent with, and furthers the purposes and intent of, AUMA.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 19332.5 of the Business and Professions
2 Code is amended to read:
3 19332.5. (a) Not later than January 1, 2020, the Department
4 of Food and Agriculture shall make available a certified organic
5 designation and organic certification program for medical cannabis
6 cultivation, if permitted under federal law and the National Organic
7 Program (Section 6517 of the federal Organic Foods Production
8 Act of 1990 (7 U.S.C. Sec. 6501 et seq.)), and Article 7
9 (commencing with Section 110810) of Chapter 5 of Part 5 of
10 Division 104 of the Health and Safety Code.
11 (b) The Department of Food and Agriculture may establish
12 appellations of origin for cannabis grown in California.
13 (c) It is unlawful for medical cannabis to be marketed, labeled,
14 or sold as grown in a California county when the medical cannabis
15 was not grown in that county.
16 (d) It is unlawful to use the name of a California-~~county~~ county,
17 including any similar sounding name that is likely to mislead
18 consumers as to the origin of the product, in the labeling,
19 marketing, or packaging of medical cannabis products unless the
20 product was grown in that county.
21 SEC. 2. Section 26063 of the Business and Professions Code
22 is amended to read:
23 26063. (a) The bureau shall establish standards for recognition
24 of a particular appellation of origin applicable to marijuana grown
25 or cultivated in a certain geographical area in California.
26 (b) Marijuana shall not be marketed, labeled, or sold as grown
27 in a California county when the marijuana was not grown in that
28 county.
29 (c) The name of a California-~~county~~ county, including any
30 similar name that is likely to mislead consumers as to the origin
31 of the product, shall not be used in the labeling, marketing, or

1 packaging of marijuana products unless the marijuana contained
2 in the product was grown in that county.

3 SEC. 3. The Legislature finds and declares that Section 2 of
4 this act implements substantive provisions of the Control, Regulate
5 and Tax Adult Use of Marijuana Act and is consistent with and
6 furthers the purposes and intent of the Control, Regulate and Tax
7 Adult Use of Marijuana Act.

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